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GROUP 1600

To: Examiner Lynda T. Guo, Group 1651
U.S. Patent and Trademark Office

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Date: March 12, 2003

Your Ref.: Application No. 10/055,749

Our Ref.: 3781-0102P

Re: Response to Restriction Requirement **CC:**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

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• **Comments:**

Attached for filing is a Response to Restriction Requirement.

PATENT
3781-0102P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICES

Applicant: MEYER, Christopher Conf.: 7350
Appln. No.: 10/055,749 Group: 1651
Filed: January 22, 2002 Examiner: GUO, Lynda T
For: METHOD FOR THE TREATMENT OF MICROORGANISM INFECTIONS
BY INHIBITING ENERGY STORAGE AND UTILIZATION

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

March 12, 2003

Sir:

In the Office Action dated February 12, 2003, the Examiner has required a restriction between the claims of Group I-XIV. This requirement is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicant submits that the Examiner's attempt to divide up the claims in this application into fourteen different groups is based upon a failure to recognize the close interrelationship of at least some of the groups of claims, and would place an unreasonable burden upon the Applicant to file thirteen separate divisional applications to cover all of the claims to which the Applicant is entitled.

Applicant specifically submits that at least the claims of Groups IX-XIII should be examined together in this single application. All of the claims of Groups IX-XIII are directed to a method for identifying compounds capable of inhibiting the growth of pathogenic microorganisms, particularly by identifying compounds that inhibit enzyme targets in a biosynthetic pathway, namely a pathway relating to energy storage or utilization. Two specific enzyme targets, namely ADP glucose pyrophosphorylase and glycogen synthase, are the subject

of specific claims identified as Groups XII and XIII. But the claims of Groups IX and X are generic to those specific enzyme targets and, therefore, are closely related in such a fashion that they should be examined together in a single application. In essence, the specific enzyme targets of ADP glucose pyrophosphorylase and glycogen synthase are "species" within the "genus" claims of Groups IX and X.

Applicant further submits that examining at least the claims of Groups IX-XIII would not place any undue burden on the Examiner as can be seen from the overlapping classifications identified in the Office Action, where the claims of Groups X and XIII are indicated as being classified in the identical class and subclass. Thus examining all the claims of Group IX-XIII would not place any undue burden on the Examiner; whereas, maintaining all of those claims in separate groups would place an unreasonable on the Applicant to file multiple divisional applications.

Accordingly Applicant submits that the claims of Group IX-XIII should all be examined together in this application.

But if the Examiner is not in agreement with that proposal, then Applicant submits that at least the claims of Groups IX, X and XII should be examined together in a single application, because those claims are either specifically directed to or generic to the enzyme target ADP glucose pyrophosphorylase and do not encompass the second specific enzyme target glycogen synthase.

But in order to be fully responsive to the restriction requirement, if the Examiner maintains the full scope of the restriction requirement, then Applicant, with traverse, elects to prosecute the claims of Group XII.

Favorable action and allowance of the claims are requested.

Appln. No.: 10/055,749

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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